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*Lilly***Facsimile**Eli Lilly and Company
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U.S.A.**Legal Department - Patent Division****Date:** November 17, 2005**To:** Examiner Phuong N. Huynh, Ph.D.
Company: USPTO
Fax: 1-571-273-8300
Phone:**From:** Lynn D. Apelgren
Fax: 317-276-5172
Phone: 317-276-6501
Total Pages: 22**Subject:** Application No.: 10/788,940
Docket No.: X-16712B**PRIVILEGED AND CONFIDENTIAL COMMUNICATION****Message:**

Please see attached Reply to Restriction for filing in the above patent matter. Please confirm receipt. Thank you.

If there are any transmittal problems please call Kim Landers at (317) 277-1469.

This facsimile message is intended only for the individual to whom it is addressed and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you have received this facsimile in error, please notify us immediately by telephone (collect), and return the original message to us at the above address via U.S. Postal Service.

Answers That Matter.**BEST AVAILABLE COPY**

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FEE TRANSMITTAL		Complete if known																																																																	
Effective December 8, 2004		Serial No.	10/788940																																																																
		Application Date	February 26, 2004																																																																
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		First Named Inventor	HUSE William D																																																																
		Group Art Unit	1644																																																																
		Examiner Name	HUYNH, PHUONG N																																																																
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METHOD OF PAYMENT (check one)		3. ADDITIONAL FEES																																																																	
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to: Deposit Account Number: 05-0840 Deposit Account Name: Eli Lilly and Company <input checked="" type="checkbox"/> Charge Any Additional Fee Required		<table border="1"> <thead> <tr> <th>Large Entity Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>Surcharge-late filing fee or oath</td> <td></td> </tr> <tr> <td>1052</td> <td>50</td> <td>Surcharge-late provisional filing fee or cover sheet.</td> <td></td> </tr> <tr> <td>1053</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>1251</td> <td>120</td> <td>Extension for reply within first month</td> <td>120</td> </tr> <tr> <td>1252</td> <td>450</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>1253</td> <td>1,020</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1254</td> <td>1,590</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1255</td> <td>2,160</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>1401</td> <td>500</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>1402</td> <td>500</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1452</td> <td>500</td> <td>Petition to revive-unavoidable</td> <td></td> </tr> <tr> <td>1453</td> <td>1,500</td> <td>Petition to revive-unintentional</td> <td></td> </tr> <tr> <td>1502</td> <td>1,400</td> <td>Utility issue fee (or reissue)</td> <td></td> </tr> <tr> <td>122</td> <td>130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>1801</td> <td>790</td> <td>Request for Continued Examination (RCE)</td> <td></td> </tr> </tbody> </table>		Large Entity Fee Code	Large Entity Fee (\$)	Fee Description	Fee Paid	1051	130	Surcharge-late filing fee or oath		1052	50	Surcharge-late provisional filing fee or cover sheet.		1053	130	Non-English specification		1251	120	Extension for reply within first month	120	1252	450	Extension for reply within second month		1253	1,020	Extension for reply within third month		1254	1,590	Extension for reply within fourth month		1255	2,160	Extension for reply within fifth month		1401	500	Notice of Appeal		1402	500	Filing a brief in support of an appeal		1452	500	Petition to revive-unavoidable		1453	1,500	Petition to revive-unintentional		1502	1,400	Utility issue fee (or reissue)		122	130	Petitions to the Commissioner		1801	790	Request for Continued Examination (RCE)	
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SUBMITTED BY		Complete (if applicable)																																																																	
Typed or Printed Name: Lynn D. Apelgren		Reg. Number: 45,343																																																																	
Signature:		Date: 17 Nov 2005																																																																	



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,940	02/26/2004	William D. Husc	66797-398	9547

2585 7590 09/21/2005

ELI LILLY AND COMPANY
PATENT DIVISION
P.O. BOX 6288
INDIANAPOLIS, IN 46206-6288

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X16912B

EXAMINER

HUYNH PHUONG N

ART UNIT

PAPER NUMBER

1644

DATE MAILED: 09/21/2005

Restriction 10-21-2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

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Office Action Summary	Application No. 10/788,940		Applicant(s) HUSE, WILLIAM D.	
	Examiner Phuong Huynh		Art Unit 1644	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE One MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 2/28/04.

2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-36 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☒ Claim(s) 1-36 are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____.
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U.S. Patent and Trademark Office
PTOL-326 (Rev. 7-05)

Office Action Summary

Part of Paper No./Mail Date 09162005